

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

Amanda D., et al.,	)	
and others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
Margaret Hassan, et al.,	)	
	)	
Defendants.	)	
	)	
United States of America,	)	
	)	
Plaintiff-Intervenor,	)	
	)	
v.	)	
	)	
State of New Hampshire,	)	
	)	
Defendant.	)	
	)	

Civ. No. 1:12-cv-53-SM

**JOINT STATEMENT ON MEDIATION**

Consistent with their Joint Discovery Plan and Schedule (Doc. 56), adopted by this Court on August 16, 2012, the Parties hereby offer this Joint Statement concerning the suitability of mediation in this matter. The Parties have engaged in intensive settlement negotiations throughout October. Because of the advanced stage of those negotiations and the progress made, the Parties do not believe at this time that mediation will be needed. In light of these efforts, the Parties respectfully suggest that any future recommendation regarding the suitability of mediation be deferred until it is clear whether a proposed settlement to this action can be reached through negotiations.

The parties will submit another Joint Statement to the Court regarding the potential for mediation within 60 days from the date of this filing.

Dated: October 25, 2013

FOR THE PLAINTIFFS:

*Pro Hac Vice* admission  
granted:

CENTER FOR PUBLIC  
REPRESENTATION

By: /s/ Kathryn Rucker  
Steven Schwartz (MA BBO 448440)  
Kathryn Rucker (MA BBO 644697)  
22 Green Street  
Northampton, MA 01060  
(413) 586-6024  
[SSchwartz@cpr-ma.org](mailto:SSchwartz@cpr-ma.org)  
[KRucker@cpr-ma.org](mailto:KRucker@cpr-ma.org)

JUDGE DAVID L. BAZELON CENTER  
FOR MENTAL HEALTH LAW

By: /s/ Ira Burnim  
Ira Burnim (D.C. Bar 406154)  
Jennifer Mathis (D.C. Bar 444510)  
1101 15<sup>th</sup> Street, NW, Suite 1212  
Washington, DC 20005  
(202) 467-5730  
[irab@bazelon.org](mailto:irab@bazelon.org)  
[jenniferm@bazelon.org](mailto:jenniferm@bazelon.org)

Respectfully submitted,

Amanda D., Kenneth R., by his guardian, Tri-County CAP, Inc./GS; Sharon B., by her guardian, Office of Public Guardian, Inc.; Amanda E., by her guardian, Office of Public Guardian, Inc.; and Jeffrey D., by his guardian, Monique Doukas,

By their attorneys:

DISABILITIES RIGHTS CENTER

By: /s/ Amy B. Messer  
Amy B. Messer (NH Bar 8815)  
Adrienne Mallinson (NH Bar 17126)  
Aaron Ginsberg (NH Bar 18705)  
18 Low Avenue  
Concord NH 03301  
[amym@drcnh.org](mailto:amym@drcnh.org)  
[adriennem@drcnh.org](mailto:adriennem@drcnh.org)  
[aarong@drcnh.org](mailto:aarong@drcnh.org)

DEVINE, MILLIMET & BRANCH  
PROFESSIONAL ASSOCIATION

By: /s/ Daniel Will  
Elaine M. Michaud (NH Bar 10030)  
Daniel E. Will (NH Bar 12176)  
Joshua M. Wyatt (NH Bar 18603)  
111 Amherst Street  
Manchester, NH 03101  
(603) 669-1000  
[emichaud@devinemillimet.com](mailto:emichaud@devinemillimet.com)  
[dwill@devinemillimet.com](mailto:dwill@devinemillimet.com)  
[jwyatt@devinemillimet.com](mailto:jwyatt@devinemillimet.com)

FOR THE UNITED STATES OF  
AMERICA

By: /s/ Richard J. Farano  
Richard J. Farano (DC Bar 424225)  
Deena S. Fox (NY Registration 4709655)  
Alexandra L. Shandell (DC Bar 992252)  
Katherine V. Houston (CA Bar 224682)  
U.S. Department of Justice  
Civil Rights Division  
Special Litigation Section  
950 Pennsylvania Avenue, NW  
PHB 5020  
Washington, DC 20530  
(202) 307-3116  
richard.farano@usdoj.gov  
deena.fox@usdoj.gov  
alexandra.shandell@usdoj.gov  
katherine.houston@usdoj.gov

AND

FOR THE DEFENDANTS:

Margaret Wood Hassan, Governor, Nicholas  
A. Toumpas, Commissioner, Nancy L.  
Rollins, Associate Commissioner, Mary Ann  
Cooney, Deputy Commissioner and Erik G.  
Riera, Administrator

By their attorneys,

JOSEPH FOSTER  
ATTORNEY GENERAL

and

SHEEHAN PHINNEY BASS + GREEN,  
PROFESSIONAL ASSOCIATION,  
SPECIAL COUNSEL TO THE  
ATTORNEY GENERAL

Date: October 25, 2013

/s/ John-Mark Turner  
James Q. Shirley, Bar No. 2332  
David W. McGrath, Bar No. 9347

John-Mark Turner, Bar No. 15610  
Brian D. Thomas, Bar No. 17764  
1000 Elm Street, P.O. Box 3701  
Manchester, NH 03105  
Telephone: (603) 668-0300  
Email: jturner@sheehan.com  
jshirley@sheehan.com  
dmcgrath@sheehan.com

Anne M. Edwards, Bar No. 6826  
Associate Attorney General  
Rebecca L Woodard, Bar No. 17176  
Assistant Attorney General  
New Hampshire Attorney General's Office  
33 Capitol Street  
Concord, New Hampshire 03301-6397  
Telephone: (603) 271-3650  
Email:  
anne.edwards@doj.nh.gov  
rebecca.woodard@doj.nh.gov

Certificate of Service

I hereby certify that a copy of the foregoing document was filed electronically and served on all parties of record by operation of the Court's electronic filing system.

October 25, 2013

/s/ Kathryn Rucker